


Jane (Ball) Gritman: born February 18, 1833, died February 24, 1909

Philo Callender Gritman: born October 29, 1828, died February 10, 1903

Philo Callender Gritman and Jane Ball Gritman

The Incorporation of the City of Carbondale

The Gritmans were among the most remarkable citizens of Carbondale in the nineteenth and twentieth centuries. Philo Callender Gritman, one of the most civic-minded and public-spirited individuals in the entire history of Carbondale, can be called, without reservation, one of the founding fathers of the City of Carbondale.

At the time of his death, on February 10, 1903, he was one of the best known and highly respected residents of the entire Lackawanna Valley. His earthly remains are interred in Maplewood Cemetery on the east bank of that section of the cemetery that is known as Welsh Hill.

He was born in Sherburne, NY, on October 29, 1828, and with the Gritman family moved to Dundaff in 1829, where his father, Dr. William Gritman, practiced medicine. As a young man, there, P. C. Gritman began his study of law.

In 1847, the Gritman family moved to Carbondale, where P. C. Gritman taught in the Carbondale Academy and Lackawanna Institute, which was one of the leading educational institutions in this section. Succeeding H. J. Newell, he ultimately became the second principal of that school, which was located in Temperance Hall at the corner of Church Street and Salem Avenue.

At the same time, Gritman continued to read law and entered the law office of D. N. Lathrope, Carbondale's first lawyer. In 1848, he completed his law course and was admitted to the bar of Luzerne County at Wilkes-Barre, and later, when Lackawanna County was established, he was admitted to the Lackawanna County bar.

In the second year of his law practice, he formed a partnership with Samuel Hodgdon, which was dissolved a year later when Hodgdon became prothonotary of Luzerne County.

Throughout his adult life Gritman practiced law in Carbondale, playing an active role in the formation of Lackawanna County. At the time of his death, he was the senior member of the Lackawanna County bar.

Gritman, also trained as a civil engineer, was an active participant in the incorporation of the city of Carbondale in 1851 as a city of the third class. To him was given the privilege of outlining the boundaries of the City of Carbondale and the marking of the boundary lines of the several wards, for which he was paid $15.

The original city lines were established by Mr. Gritman under difficulties that could only be overcome by the ardent civic feeling he had to see the dignity of a city and its powers conferred upon the town that was the birthplace of the great anthracite coal industry.

As the decision to make application for a charter was somewhat belated it was necessary to act quickly if the City's petition for a charter was to be heard by the legislature of 1851. With that in mind, and disregarding both the end-of-the-year spirit that moved the people at the time to participate in the festivities of the season as well as the knee-deep snow on the ground, P. C. Gritman set out, on New Year's day of that year, accompanied by Townsend Poore, of Scranton, and Thomas Hurley, as chain-boys, and delineated the City's limits before the day was over.

On March 15, 1851 the City of Carbondale, with 5,000 inhabitants, was incorporated as a city of the third class. Thanks to the enlightened and civic-minded generosity of the descendants of P. C. Gritman, the original Carbondale city seal, created at the time of the City's incorporation in 1851, is today among the historic artifacts in the collections of the Carbondale Historical Society.

P. C. Gritman's worth and usefulness to the community were attested to after Carbondale became a city when he was elected district attorney in the Carbondale mayor's court, succeeding George W. Perkins, the first official. His term was from 1856 to 1859, which was followed by two more terms, 1862-1865, 1869-1871.

He was likewise city attorney for several terms and served on the City's Select and Common Councils. He was later elected for two terms, beginning in 1857, to represent Luzerne County in the Pennsylvania legislature.

He readily attracted the interest and won the confidence of his colleagues in the state legislature and asserted himself by being regarded as the Democratic leader of the house, being named, during his second term, as a candidate for the speakership.

An edifying and inspiring trait of P. C. Gritman's character was his intense and active interest in civic and national affairs. The opening of Richmond's hall, on the third floor of the Pascoe & Scurry building (SE corner of Salem Avenue and Main Street) on January 25, 1856, was a public event that was marked by a stirring and prophetic talk by P. C. Gritman.

He repudiated the false story that was being circulated to Carbondale's disadvantage, that the rich coal deposits here were about exhausted; and he rightly predicted that within a brief span of time a railroad (the Jefferson branch of the Erie Railroad from Carbondale to Lanesboro) would connect us on the north with the Erie Railroad.

During the Civil War, his patriotic spirit was shown, in September 1862, when he was named captain of the Luzerne Artillorists, a Carbondale state militia company of 50 men, that was called to Harrisburg when the commonwealth was invaded by the Confederates.

On August 25, 1852 P. C. Gritman and Jane Ball, the eldest daughter of William and Mary Ann (Smith) Ball, who was born on February 18, 1833 and who died on February 24, 1909, were married. The marriage, which was solemnized by Rev. O. E. Ward, Presbyterian minister from Dundaff, took place in the Ball house on Canaan Street, later the residence of the William Bowers family.

Jane Ball was the daughter of William Ball, for many years the superintendent of motive power and the first master mechanic of the D&H Gravity Railroad. William Ball came to Carbondale in the 1820s from New York City with five other young men to erect the first engines on the Gravity Railroad planes out of Carbondale, Mr. Ball serving as the first engineer on Plane No. 1 when the road opened on October 9, 1829.

In 1838, Mrs. P. C. Gritman accompanied her father to New York City to witness the arrival in that port of the first trip of the *Great Western*, the first trans-Atlantic steamer to make regular

trips across the Atlantic ocean and the largest ship ever built up to that time and for some years after that.

At the time of P. C. Gritman's death in 1903, his son, William B. Gritman, Esq., was the managing editor of the Carbondale *Evening Leader*.

Volumes 1-XXIV in S. Robert Powell's 24-volume series on the Delaware and Hudson Canal Company were enriched significantly by the resources/documents that Philo Callender Gritman and his wife, Jane (Ball) Gritman gathered in the course of the nineteenth century. It is fitting that we present here copies of both of their obituaries.

The Gritman Archivists:

Here are the obituaries of Philo Callender Gritman and Jane (Ball) Gritman as they were pasted into one of the Gritman scrapbooks by, in all probability, their son, William Ball Gritman, Esquire, who was the Managing Editor of the *Carbondale Evening Leader*.

Given the fact that Philo and Jane Gritman devoted so many years to collecting newspaper accounts of important events in the history of Carbondale, it is wonderful that their son, William Ball Gritman, included these newspaper clippings about his parents in one of the Gritman scrapbooks following their deaths.

, FEBRUARY 11, 1903.

HON. P. C. GRITMAN DIED YESTERDAY

The Senior Member of the Lackawanna Bar Succumbs at the Homestead on North Main Street—The Historical and Political Prominence of the Deceased Barrister Was Conspicuous in Formation of Lackawanna County and Incorporation of Carbondale as a City.

tion of Carbondale as a city of the third class, and the senior member of the Lackawanna bar.

Mr. Gritman's end was like to the entering into sleep. He suffered none. About five weeks ago he was taken abed, though he first showed the infirmities of old age about two years ago. From the time he was prostrated he began to weaken, and he gradually grew more feeble until life's pulsations ceased. No end could be more peaceful. It was just such as one would expect to be the portion of a character as useful and gentle as his.

Philo Callender Gritman was one of a family of two sons and one daughter, children of the late Dr. William Gritman, one of the pioneer residents of Dundaff. He was born in Sherburne, N. Y., Oct. 29, 1828. When the deceased was one year old he came with his family to Dundaff, where he resided till 1847. That year he came to Carbondale, where he resided continuously since, and entered the office of D. N. Lathrope, Carbondale's first lawyer, where he completed his law course, begun in Dundaff.

Senior Member of Lackawanna Bar.

Mr. Gritman was admitted to the Luzerne county bar at Wilkes-Barre, in 1848. When the county was divided, he was admitted to the bar of Lackawanna, and with his death there passes away the senior member, antedating by one year, ex-Judge E. N. Willard, the next in rank of seniority.

Mr. Gritman was always active, and during the years that he was reading law he was also training the intelligence of young people. He taught in the schools of Carbondale, and after becoming a practicing lawyer he spent the first year as principal of the Carbondale academy and Lackawanna Institute, succeeding H. J. Newell, the first principal of the school, the leading educational institution in this section. The academy was located in Temperance hall, corner of Church street and Salem avenue, and was attended by children of the well-to-do families of the town. Among his scholars were: Eugene and George Benedict, Fred and Ed. Mills, James and

season, the deceased set out on New Year's day of that year, accompanied by Townsend Poore, of Scranton, and the late Thomas Hurley, a chain-boys and covered the city before the day was over, though they suffered the hardships of a knee deep snowfall.

Mr. Gritman's worth and usefulness were attested after Carbondale became a city, boasting of 5,000 inhabitants. The political party—the Democratic—in the counsels of which he was an important factor, elected him district attorney in the mayor's court, succeeding George W. Perkins, the first official. His term was from 1856 to 1859, which was followed by two more terms, 1862-65, 1869-71. He was likewise city attorney for several terms and served in the city councils.

It was in the legislature, however, that Mr. Gritman's standing was best shown. The citizens of his district sent him to Harrisburg for two terms, beginning in 1857. He readily attracted the interest and won the confidence of his colleagues and asserted himself by being regarded as the Democratic leader of the house. During his second term he was a candidate for the speakership. It was a happy satisfaction to him to feel that his constituents regarded him as a representative who was faithful to his trust in the highest degree. Naturally did he do his duty, but was always energetic and even aggressive, if need be, in behalf of the interests of those whom he served. He was ever true to the belief that his trust was sacred.

An edifying and inspiring trait of Mr. Gritman's character was his intense, active interest in civic and national affairs. The opening of Richmond's hall, on the third floor of the Pascoe & Scurry building, Jan. 25, 1856, was a public event that was marked by a stirring and prophetic talk by Mr. Gritman. He repudiated the false story that was being circulated to Carbondale's disadvantage, that the rich coal deposits here were about exhausted; and he rightly predicted that within two years a railroad could connect us on the north with the Erie. His patriotic spirit was shown in his taking a company of emergency men to Harrisburg, when the state was invaded by the Confederates.

The Luzerne Artillerists (see broadsheet given below)

Mr. Gritman's married life was ideally happy. He was wedded an August 25, 1852, to Miss Jane Ball, daughter of William Ball, first master mechanic of the old gravity road.

Their marriage took place at the residence of the bride's parents on Canaan street and was solemnized by Rev. O. E. Ward, Presbyterian minister from Dundaff. On August 25, last, Mr. and Mrs. Gritman celebrated the golden anniversary of their marriage, an event that was filled with happiness and a happening of rare interest, since the couple were so closely associated with the pioneer history of Carbondale, the pioneer city.

Mr. Gritman always enjoyed the highest respect of his fellow citizens and grew in their confidence as the years passed. He will be cherished in the fondest remembrance, and will join the pioneers who have passed before him as one of "a bold peasantry, a country's pride."

Mr. Gritman is survived by his wife, one son, William B. Gritman, esq., managing editor of the Evening Leader, and one sister, Mrs. George Spencer, of Kirksville, Mo.

FRIDAY,........FEBRUARY 13, 1903.

MR. GRITMAN'S FUNERAL.

Obsequies Held This Afternoon—Many Out of Town People Present.

The funeral of the late Hon. P. C. Gritman, who died Tuesday morning,

and M. A. McGinley, secretary. The following committee were appointed to draft suitable resolutions on the death of Mr. Gritman: Cornelius Comegys, L. P. Wedeman, Hon. James J. O'Neill, Louis Gramer and George S. Horn.

While the committee were preparing the resolutions short eulogies were delivered by judge Edwards, T. F. Wells, and Mr. O'Neill.

The resolutions presented by the committee and adopted by the association were as follow:

"At a meeting of the members of the bar of Lackawanna county, held in the court house, at the city of Scranton, on Thursday, the 12th day of February, A. D., 1903, to take some action upon the death of the late P. C. Gritman, the following memorial minute, having been reported by a committee on resolutions, was unanimously adopted.

"Ripe in years and full of honors, the Hon. P. C. Gritman, the senior member of the bar, is dead. He died on Tuesday, February 10, 1903, at his home in the city of Carbondale, leaving to survive him a wife and a son, for whose greatest consolation he gives the legacy of a life honorable in its purposes and high in its achievements.

"A prominent figure of a past generation, he was a citizen of great public spirit. In the formation of Lackawanna county he took an active and prominent part, and later, by strenuous effort, effectually aided and assisted in securing the present charter rights of the city of Carbondale. In public life—first as a district attorney, and afterwards as a member of the

A committee on resolutions was appointed, consisting of Messrs. Comegys, O'Neill, Gramer, Wedeman and Horn. They reported the following resolutions, which were adopted:

The Resolutions.

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"A prominent figure of a past generation, he was a citizen of great public spirit. In the formation of Lackawanna county he took an active and prominent part, and later, by strenuous effort, effectually aided and assisted in securing the present charter rights of the city of Carbondale. In public life—first as a district attorney, and afterwards as a member of the legislature—he was a servant of recognized ability and integrity. Exceptionally exemplary of habit in private and domestic life, he was a lawyer of superior attainment, enjoying and possessing the confidence and esteem of the people of his community. It may well be said of him, that in every relation of life he was a faithful man."

SATURDAY,....FEBRUARY 14, 1903

of Town People Present.

The funeral of the late Hon. P. C. Gritman, who died Tuesday morning,
was held this afternoon and the large attendance of representative people spoke plainly of the high position held in the community by the deceased. The attendance of a large number of relatives and friends from Wilkes-Barre, Pittston, Scranton, and Dunmore attested to his prominence throughout the valley.

At two o'clock services were held at Mr. Gritman's late home on North Main street. They were conducted by the Rev. Charles Lee, pastor of the First Presbyterian church, who also delivered a brief sermon, touching upon the character and incidents in the career of the deceased. Appropriate music formed part of the services.

From the house the large cortege proceeded to Maplewood cemetery where all that is mortal of the distinguished townsman was laid at rest. The active pallbearers were mayor J. J. O'Neill, Hon. John F. Reynolds, Charles H. Horton, Raymond H. Reynolds, Edward W. Mills and Thomas R. Durfee. The honorary pall bearers were Dr. R. Ottman, W. R. Baker, Edward Clarkson and Charles O. Mellen.

Among the out of town people noticed at the funeral of the late P. C. Gritman yesterday were: Mr. and Mrs. S. L. Brown, Mr. and Mrs. T. B. Brown, Wilkes-Barre; J. E. Ball, Miss Marietta Ball, Charles Law, Pittston; Mr. and Mrs. W. H. Richmond, Mr. and Mrs. G. L. Dickson, J. J. Williams. W. M. Dickson, Scranton; Mr. and Mrs. A. D. Blackinton, Mrs. E. S. Osborne and Clay Osborne, Dunmore.

ON MR. GRITMAN'S DEATH.

Resolutions Passed by the Lackawanna Bar Association Yesterday.

In accordance with its custom the Lackawanna Bar association met yesterday forenoon in the law library in the court house at Scranton and adopted resolutions on the death of the late P. C. Gritman, who was the senior member of the bar.

In the absence of James H. Torrey, the president of the Bar association, W. W. Lathrope was elected chairman

rights of the city of Carbondale. In public 'life—first as a district attorney, and afterwards as a member of the
legislature—he was a servant of recognized ability and integrity. Exceptionally exemplary in private and domestic life, he was a lawyer of superior attainments, enjoying and possessing the confidence and esteem of the people of his community. It may well be said of him, that in every relation of life he was a faithful man."

Judge Edwards spoke in the kindliest terms of the deceased. He said he first met him in the old mayor's court of Scranton and later at Wilkes-Barre, where the members of the profession living in this vicinity practiced previous to the formation of Lackawanna county. In 1878, when this county was organized, judge Edwards said he participated in cases with Mr. Gritman, who was sometimes associated with him on the same side. At other times they were opposing counsel, He stated that the deceased was an honorable member of the profession, that he was a gentleman every time, and that he never resorted to the asperities or utterances such as are attributed to excitement. He was suave, kind and honorable, judge Edwards said, and his practice of the profession should be a lesson to others.

W. W. Lathrope gave an interesting sketch of Mr. Gritman's life. He mentioned that he was a member of the bars of Luzerne and Lackawanna counties for over half a century. He was Mr. Lathrope's school teacher and studied law in the office of the latter's father, the late judge D. N. Lathrope. They met in the mayor's court in Carbondale, which was chartered in 1851. Mr. Lathrope said that he cherished none but pleasant recollections of Mr. Gritman.

Attorney Thomas F. Wells eulogized the life of the dead lawyer, whom he said always stood well in the profession, was reliable, honest fair and respectable.

Mayor James J. O'Neill, pronounced an eloquent panegyric. He said that he had had a life-long acquaintance with Mr. Gritman. He said the latter had great dignity of manner and held an exalted opinion of the profession of the law. He was courteous, kind and honorable, mayor O'Neill concluded. —Scranton Truth.

SATURDAY,....FEBRUARY 14, 1903

"For over a third of a century I have travelled Pike and Main streets to and fro daily and I have noticed that the Gritman residence was until Tuesday the only house on those thoroughfares in which there had been no change by death."—Michael Kelly.

MONDAY,..........APRIL 13, 1903.

TO CRYSTAL LAKE.

Poem written by P. C. Gritman

[From an Old Scrap Book.]

Fair lake; I had dreamed as I sat by thy side
Of waters more pure and scenery more fair
Of the broad river's roll and the sea's ebbing tide.
But I dreampt to you with others compare.

But oh! I shall never forget the bright flood
From thy bosom reflected in the moon's soft rays,
Nor the frowning shade of the dark tangled wood
That thus skirted thy shores in by-gone days.

How I love to sit and muse by thy shore
While tiny waves break soft on the beach at my feet
To think of things long past or oft ponder o'er
The beauties of this; this silent retreat.

Though I bid them adieu, I yet will re-tread
Thy shores whose image my heart shall retain.
Till the vigils of memory sleep with the dead
Till then the remembrance shall with me remain.

Dundaff, 1847.

by P. C Gritman.

DURRIE—In East Orange, N. J., April 8, 1903, Dr. William Durrie, father of Mrs. George B. Smith of this city. Funeral tomorrow.

SCRANTON.

FEBRUARY 24, 1909.

DEATH OF MRS. P. C. GRITMAN IS SAD LOSS TO COMMUNITY

Widespread Regret Will be Caused by the Demise Today of One of Carbondale's Prominent and Highly Esteemed Women.

Few indeed are those who have been identified with Carbondale for three quarters of a century and the little circle is rapidly and sadly decreasing. A prominent and gracious personage was taken from the list today by the passing of Mrs. Jane Gritman, who fell asleep at her home on North Main street at 12:30 o'clock. It was a sad loss to the community, a source of profound regret to a legion of sincere friends in many places and an almost crushing blow to the family. Her's was an active and honored life and a warm tribute from all will go out to her memory.

Jane Ball was not only a native but a life-long resident of this city. She was the eldest daughter of William and Mary Ann Smith Ball and was born in the present Bowers home on Canaan street, February 18, 1833. She had therefore just passed her seventy-sixth anniversary. Her father came here from New York city with five other young men to erect the first engines on the gravity road. He was the only one of the party to settle here permanently in the employ of the D. & H. and was soon given charge as master mechanic of all the stationary engines on this side of the mountain. Her grandparents were Captain Charles and Ruth Godfrey Smith. The former had charge of portions of the D. & H. work here for many years and built a section of the D. & H. canal before coming to Carbondale. Deceased was therefore a descendant of some of the pioneers of this section. Her ancestors were also among the earliest settlers of Connecticut. Captain Smith attained the rank of Captain in the war of 1812. Her great-grandfather was Captain David Godfrey, who received his commission direct from General Washington.

Jane Ball received her finishing studies at Maplewood, Pittsfield, Mass., one of the foremost young ladies' seminaries of the north. It was a three days' journey by stage and boat from Carbondale and no small undertaking to reach there. The school has passed with the noted Tyler family who conducted it, but the buildings are still show places in Pittsfield.

On August 25, 1852, she was wedded to Philo C. Gritman, who was even then a prominent member of the Luzerne county bar and well known throughout this entire region. Their golden wedding was celebraed in 1902 and a few months later he died.

Mrs. Gritman was a woman of gentle qualities and noble character; one whose chief thought was doing something nice for others. Among all classes she was looked up to and admired—for hers was a nature that attracted friendship and kept them. Devoted to her home she was yet abreast of all the events of the stirring period which her life covered. She had seen Carbondale grow out of the wilderness, as it were, and most of those of the social circles of other days have gone on before. She had a very clear memory of both local and general history and was a perpetual fountain of anecdote and incident of her time. She could remember distinctly going to New York when a child with her father to see the arrival of the "Great Western," the first trans-Atlantic steamer to arrive in New York on regular trips. It was the largest steamer ever built up to that time and the event was the talk of the entire country in 1838.

Mrs. Gritman's personality was one that brought happiness to many and quietly added to the world's brightness. She possessed many attainments of mind and hand that were of an unusually high order and she left a most interesting and valuable collection of historical matter—of which she was an enthusiastic collector.

Her demise was tranquil and not unlooked for. It was the stopping of those heart beats that had been labored for some weeks. In September of 1907 she suffered her first attack of heart trouble and since that time had been almost inperceptibly losing strength. She experienced several little sick spells in the past year and the recovery from each was not so satisfactory as on former occasions. She never complained however, and was around her home much as usual until New Year's day when the final breaking down of the system began.

She is survived by one son, William Ball Gritman and one grandson, William Ball Gritman, 2nd; also one brother, J. E. Ball, of West Pittston, and two sisters, Mrs. E. S. Osborne, of Washington, D. C., and Miss Marietta Ball, West Pittston.

The funeral services will probably take place on Friday afternoon, but more definite announcement will be made tomorrow.

THE SCRANTON REPUBLICAN

SCRANTON, PA., FEBRUARY 25, 1909.

MRS. PHILO C. GRITMAN ENTERED INTO REST

One of Carbondale's Pioneer and Most Prominent Women Passed Away Yesterday.

Mrs. Jane Gritman, relict of the late Philo C. Gritman, and mother of William Ball Gritman, managing editor of the Carbondale Evening Leader, died at 12:30 oclock yesterday, at her home, No. 62 North Main street. Her death came quietly and peacefully, and was due to heart trouble. The first attack came in September, 1907, up to which time she had enjoyed splendid health. Since then, however, her strength had slowly failed, and suffered a number of sick spells, each of which further undermined her already weakened powers. These attacks prepared herself and her family for the end, which was not unexpected. The final attack began on New Year's day, and since then, the loving ones about her, awaited with what resignation they might the departing of a spirit that had for years added to the happiness and peace of those about her. While fully aware of the approach of dissolution, Mrs. Gritman was at no time heard to utter a word of complaint, her regret beyond expression of a tender love for the members of her family and other dear ones, the parting from whom formed her only sorrow. Hers was a gentle spirit of boundless faith in the beneficence of her God, and at no time was her mind more peaceful than in the final days of her earthly career.

By birth and character Mrs. Gritman was one of Carbondale's noblest women. Member of a family noted for its achievements in the engineering world of several decades ago, she possessed remarkable attainments along certain lines, and had accumulated probably the most valuable and interesting collection of historical matter to be found in the city. She had an abiding love for the town that saw her birth and was the scene of her entire career, and she watched its growth and development with wonderful gratification and pride. Her mental faculties were well trained and she enjoyed their unimpaired use to the end. With keen observation and a memory remarkable for its retentiveness, Mrs. Gritman's mind was a storehouse of local and general history, and with much chronological accuracy she could recall numberless reminiscences and anecdotes of the community's earlier days and its growth from a hamlet of the almost unbroken wilderness to a live, hustling city. She recalled with vivid memory her first important visit away from her native town. It was in 1838, when she accompanied her father to New York City, to witness the arrival in that port on its first trip, of the "Great Western, the first trans-Atlantic steamer to make regular trips across the ocean, and the largest ship ever built up to that time, and for some years subsequent.

"…she [Jane Gritman] possessed remarkable attainments along certain lines, and had accumulated probably the most valuable and interesting collection of historical matter to be found in the city. She had an abiding love for the town that saw her birth and was the scene of her entire career, and she watched its growth and development with wonderful gratification and pride."

"Her [Jane Gritman] father [William Ball] came here from New York City with five other young men, to erect the first engines on the old Delaware and Hudson Canal Company Gravity road, between this city and Honesdale. He was the only one of the party to settle here permanently in the employ of the Delaware and Hudson Company, and was given charge as master mechanic of all the engines on this side of the mountain. He was one of the pioneers of this section. Mrs. Gritman's grandparents were Captain Charles and Ruth Godfrey Smith. The former built sections of the old Delaware and Hudson canal before coming to Carbondale, and had charge of much Delaware and Hudson work here for some years. Her ancestors were also the earliest settlers of Connecticut and Captain Smith attained his rank in the War of 1812. Her great grandfather, Captain David Godfrey, received his commission direct from General George Washington."

FEBRUARY 27, 1907.

MRS. P. C. GRITMAN LAID AT REST

Funeral Took Place Yesterday Afternoon—Obsequies Were Largely Attended.

The funeral of Mrs. Jane Gritman took place yesterday afternoon and the large outpouring of mourning friends and relatives and also the many floral tokens, was a fitting tribute to the high esteem and affection in which she was held throughout the community. The funeral service was held at the family home on North Main street at 2 o'clock. Rev. Charles Lee, pastor of the First Presbyterian church, officiated. The funeral sermon was brief, but was an eloquent and touching eulogy of the life and character of Mrs. Gritman. The tribute was exemplified by her beautiful life. A flood of sympathetic messages to the family were received from other cities where deceased had many long time friends.

Interment was made in the family plot at Maplewood cemetery. The pall bearers were F. E. Burr, R. B. Van Bergen, R. H. Reynolds, H. G. Baker, W. R. Morss and M. K. Reynolds. Among the out of town people present were: J. E. Ball, of Pittston; Mrs. Helen P. Laverty and G. L. Dickson, of Scranton; Mr. and Mrs. Thomas Brown, of Wilkes-Barre; Mr. and Mrs. Charles Farrer, Mrs. Martha Chamberlain, and Howard Chamberlain, of Dunmore, and Mr. and Mrs. E. L. Peck, of Laurens, N. Y.

No eulogy can do justice to Mrs. Gritman's personal character. Gentle and generous in spirit, self-sacrificing in charity, she commanded that degree of love and respect that is given only to women of such exalted character. The greatest principle of her life, yet one carefully hidden from observation, was charity and mercy. She was active in all good works, giving with unstinted generosity of labor, love, time and means to those afflicted in body or mind, and to those in material distress. Hers was a spirit that in the giving of all things she could bestow to make this world happier for others brought to herself the affectionate regard of all classes of people and now gives her memory an abiding place in the hearts of all who are left behind.

Mrs. Gritman was, before marriage, Miss Jane Ball, the eldest daughter of William and Mary Ann Smith Ball. She was a life long resident of Carbondale, having been born in the present Bowers home on Canaan street, on Feb. 18, 1833. Her father came here from New York City with five other young men, to erect the first engines on the old Delaware and Hudson Canal Company Gravity road, between this city and Honesdale. He was the only one of the party to settle here permanently in the employ of the Delaware and Hudson Company, and was given charge as master mechanic of all the engines on this side of the mountin. He was one of the pioneers of this section. Mrs. Gritman's grandparents were Captain Charles and Ruth Godfrey Smith. The former built sections of the old Delaware and Hudson canal before coming to Carbondale, and had charge of much Delaware and Hudson work here for some years. Her ancestors were also the earliest settlers of Connecticut and Captain Smith attained his rank in the War of 1812. Her great grandfather, Captain David Godfrey, received his commission direct from General George Washington.

Jane Ball received her finishing studies at Maplewood, Pittsfield, Mass., one of the foremost young ladies' seminaries of the north. At that time it was no small undertaking to reach that town, being a three day's journey by stage and boat. The school has passed with the noted Tyler family that conducted it, but the buildings are still show places in Pittsfield.

On August 25, 1852, Jane Ball was wedded to Philo C. Gritman, even then one of the foremost members of the old Luzerne county bar, and a man wellknown throughout this part of the state, a leader in local activities and prominent to the time of his death, shortly following the couple's golden wedding anniversary, which was celebrated in 1902.

Mrs. Girtman is survived by one son, William Ball Gritman, managing editor of the Carbondale Leader, and one grandson, William Ball Gritman, jr., also one brother J. E. Ball, of West Pittston, and two sisters, Mrs. E. S. Osborne, of Washington, D. C., and Miss Marietta Ball, of West Pittston.

The funeral services will take place Friday afternoon at 2:30 o'clock at the homestead on North Main street, where she had resided half a century. Rev. Charles Lee, pastor of the First Presbyterian church, with which she had always been connected, will officiate. The interment, which will be private, will be made in the family plot in Maplewood cemetery.

Philo Callender Gritman and his wife Jane (Ball) Gritman are interred in the Gritman family plot, on Welsh Hill, in Carbondale's historic Maplewood Cemetery. They were survived by one son, William Ball Gritman, and one grandson, William Ball Gritman, Jr.

Here are two photographs and a silhouette of William Ball Gritman. These are all from the photo album in the Gritman Collection at the Carbondale Historical Society and Museum. Thanks to William Ball Gritman (and his descendants), “the Gritman papers” that were carefully collected and archived by his parents in the course of the nineteenth century, “the Gritman Collection” at the Carbondale Historical Society, is now a reality.



The Luzerne Artillerists:

Shown below is a copy of a broadsheet announcing a meeting, September 13, 1862, of the members of The Luzerne Artillerists, a group of Civil War volunteers established by P. C. Gritman; broadsheet inserted in one of the books in the Gritman collection in the holdings of the Carbondale Historical Society:

Attention!

Luzerne Artillerists

All Members are notified to appear

All Members are notified to appear

THIS DAY

Sept. 13th, 1862, for drill and for

IMPORTANT BUSINESS

to be brought before the Company.

At 7 o'clock, P. M., a Meeting will be held in the City Hall.

At a meeting of the "Carbondale Democratic Union Club," held in City Hall, Friday evening, Sept. 5th, 1862, the following among other proceedings were had:

Whereas, The Governor by proclamation has recommended to all citizens of this State the immediate formation of volunteer companies under the act of 1858, for the better defence of the State &c.; therefore,

Resolved, That we concur in the recommendation of the Governor, and would earnestly request all loyal citizens of this city to enrol themselves at once; in the formation of one or more companies under said proclamation.

Resolved, That P. C. Gritman be requested to prepare rolls and superintend the enrolling of all such as wish to volunteer in forming the above companies.

Resolved, That the above be published in Carbondale Advance.

I. D. Richards, Sec. of Club.

All persons wishing to enroll themselves as above, will find rolls prepared to receive names at the office of P. C. Gritman, Col. P. Byrne, I. D. Richards, D. Prendergast, J. Nealon, M. Barker and Capt. Wm. Brennan.

P. C. GRITMAN, Captain.
JAMES A. BRENNAN, 1st Lieut.
ANDREW SIMPSON, 2d Lieut.
THOMAS COOGAN, 3d Lieut.
I. D. RICHARDS, 1st Sergeant.

Carbondale, Sept. 13, 1862.

A copy of this newspaper notice is given below.

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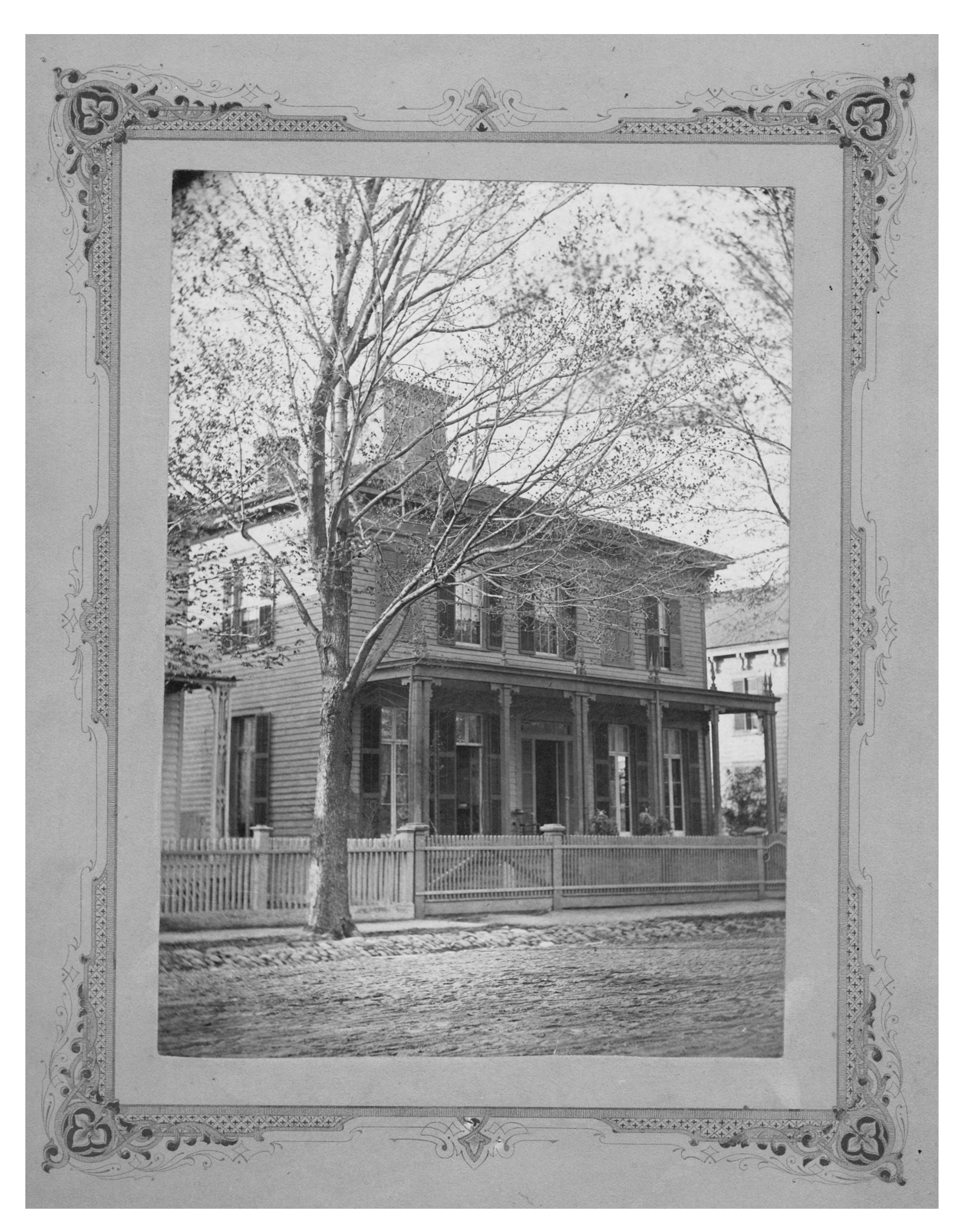
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Here are three photographs of the historic Gritman House on North Main Street in Carbondale. The house still stands. It is the Scotchlas/Shifler Funeral Home at 62 North Main Street.





It is highly probable that the two seated persons on the front porch of the Gritman house in this photograph are Philo and Jane Gritman.



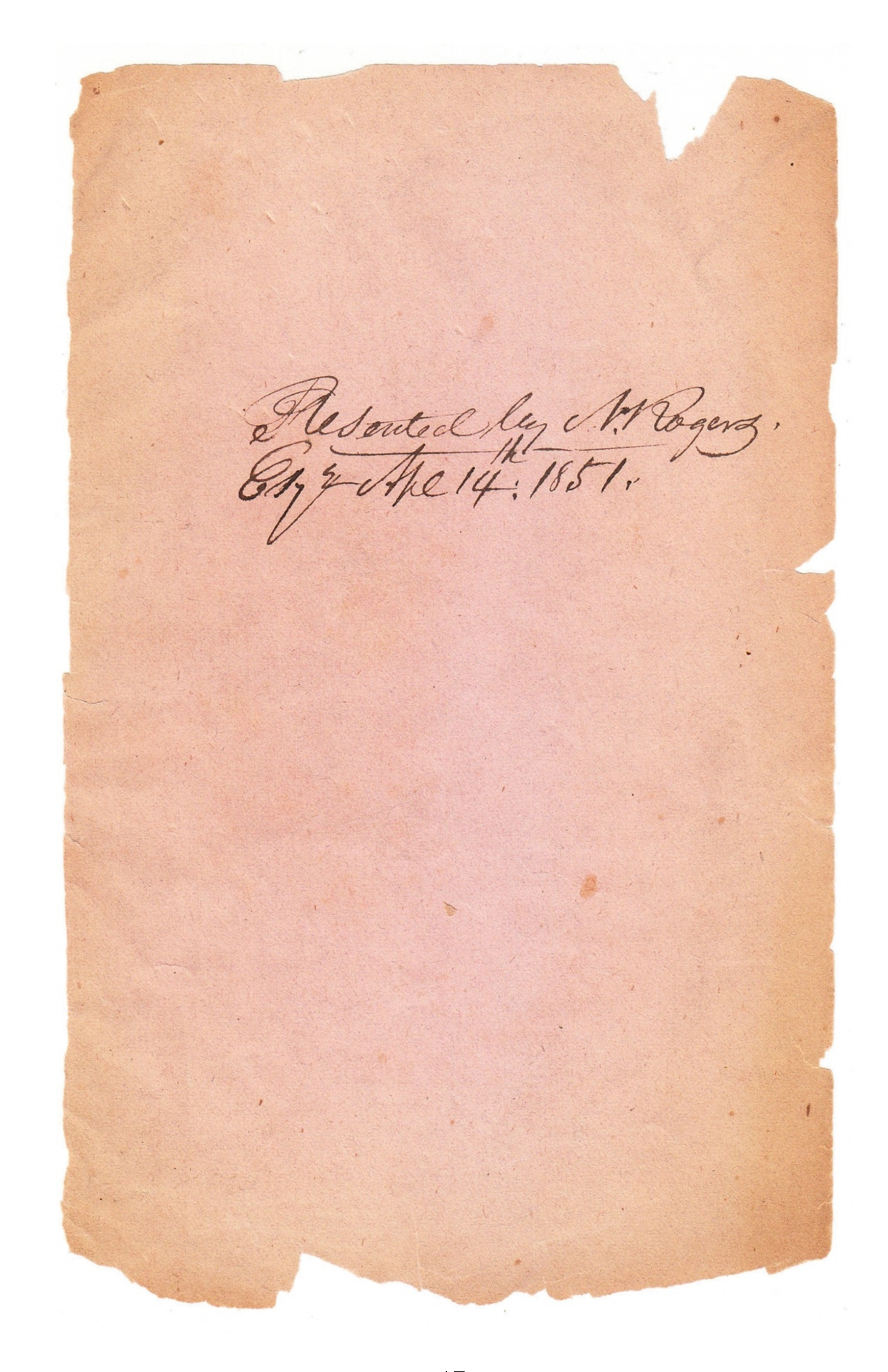
This photograph is dated: March 1, 1892

As we noted above, P. C. Gritmann was an active participant in the incorporation of the city of Carbondale in 1851 as a city of the third class. To him was given the privilege of outlining the boundaries of the City of Carbondale and the marking of the boundary lines of the several wards, for which he was paid $15.

The original city lines were established by Mr. Gritman under difficulties that could only be overcome by the ardent civic feeling he had to see the dignity of a city and its powers conferred upon the town that was the birthplace of the great anthracite coal industry.

As the decision to make application for a charter was somewhat belated it was necessary to act quickly if the City's petition for a charter was to be heard by the legislature of 1851. With that in mind, and disregarding both the end-of-the-year spirit that moved the people at the time to participate in the festivities of the season as well as the knee-deep snow on the ground, P. C. Gritman set out, on New Year's day of that year, accompanied by Townsend Poore, of Scranton, and Thomas Hurley, as chain-boys, and delineated the City's limits before the day was over.

On March 15, 1851 the City of Carbondale, with 5,000 inhabitants, was incorporated as a city of the third class. Given on the following 15 pages is the complete text of “An Act to Incorporate the City of Carbondale”.


Presented by N. P. Rogers,
Esq. Apl 14th. 1851.

AN ACT TO INCORPORATE THE
CITY OF CARBONDALE.

SECTION 1. *Be it enacted by the Senate and House of Representatives of the Commonwealth of Pennsylvania in General Assembly met, and it is hereby enacted by the authority of the same:* That the inhabitants of the town of Carbondale, in the county of Luzerne, embraced and residing within the following lines of survey to wit: beginning at a corner in the southerly line of the township of Fell at the point where the Milford and Owego Turnpike Road crosses said Fell township line, thence south thirty-two degrees west six hundred and sixty-two perches to a corner in the northerly line of Thomas Meredith's cottage farm, thence by a line due east four hundred eighty-eight perches to a corner on the empty or return track of the Delaware and Hudson Canal Company's Blakely Railroad, thence north thirty-two degrees east six hundred sixty-two perches to a corner in the southerly line of the township of Fell; thence along the line of said Fell township due west four hundred eighty-eight perches to the place of beginning, are hereby constituted a corporation and body politic, by the name and style of "The Mayor, Aldermen and citizens of Carbondale," and by the same name shall have perpetual succession, and they and their successors by such name shall at all times forever be able and capable in law to have, purchase, receive, possess and enjoy lands, tenements and hereditaments, liberties, franchises and jurisdictions, goods, chattles, and effects, to them and their successors forever, or for any other or less estate; and the same lands, tenements, hereditaments, goods, chattels and effects, by such name to grant, bargain, sell, alien, convey, mortgage, pledge, and encumber, and dispose of at their will and pleasure; and by the said name shall be able and capable, in law, to sue or be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts of record and elsewhere, in all manner of suits, actions, complaints, pleas, causes, matters and things that to the said city, as a body politic and corporate in law, and in fact shall and may appertain, and for that purpose shall have and use one common seal, and the same, from time to time, may change, deface, and make anew.

SEC. 2. That the said city shall be and is hereby divided into four wards, as follows, to wit: all that part of the territory of said city north of Fifth or Dundaff street, the line of said street being protracted easterly and westerly to the eastern and western boundaries of said city, shall be and compose the first ward. All that part of the said territory south of Fifth street and north of Seventh street, the line of said Seventh street being protracted as aforesaid, shall be and compose the second ward. All that part of said territory south of Seventh street and north of a line running parallel with said Seventh street and crossing the Carbondale and Blakely Turnpike Road, by the northerly side of the house of Patrick Farrell, shall be and compose the third ward; and all that part of said territory south of the last-mentioned line shall be and compose the fourth ward of the said city.

SEC. 3. That the freemen of the city of Carbondale, citizens of this state or of the United States, who have resided within the bounds of the said city at least one month immediately preceding the election, and within two years paid a city, state, or county tax, shall meet together at the Lackawanna House, in said city, on the day of holding the township elections, and elect by ballot twelve persons, qualified to serve as members of the House of Representatives of this commonwealth, to be members of the common council for said city, for the year in which they shall be elected; and also at the said election elect four persons qualified to serve as members of the Senate of the commonwealth, to be members of the select council of the said city; and the first election to be held under this act shall be held and conducted by the board of election then in office for the holding and conducting the general elections for the district of Carbondale, and all future elections shall be held in the respective wards of the said city, to wit: for the first ward, at the Lackawanna House, kept by John Gore; for the second ward, at the house of Mrs. Mary Coyle; for the third ward, at the house of Mrs. Elizabeth Riley; and for the fourth ward, at the house now occupied by Aaron Lewis, at the intersection of the Carbondale and Blakely Turnpike Road with the Greenfield road, in said fourth ward, to be held and conducted by one judge and two inspectors, to be elected by the citizens of the said wards respectively, who shall take the usual oaths or affirmations, as prescribed by the general election laws of this commonwealth, to be taken by the judges and inspectors of the general elections; and the said inspectors shall each appoint a clerk, and the judge of the election shall administer the necessary oaths to such clerks; and when such election to be had and held in pursuance of this act shall be closed, and the number of votes for each candidate or person voted for shall be counted and ascertained, the person herein authorized to hold and conduct such elections, or a majority of them, shall prepare and make, under their respective hands and seals, a return thereof, containing the names of each select and common councilman elect, as the case may be, with the number of votes in favor of each of them; and shall, within twenty-four hours after the closing of each of the said elections, give notice in writing to each of the select and common councilmen elect of their respective elections to the office of select and common councilmen, as the case may be. And shall also deliver or cause to be delivered such return to the select council, or to the common council elect, as the case may be, at the times and places in and by this act appointed for them respectively to meet and receive the same. And the said returns shall thereafter be deposited and preserved in the office of the clerk of the Mayor's court: and that the said wards shall, after

the passage of this act, be seperate election districts for the general elections thereafter to be held.

SEC. 4 That the said select and common councilmen elect shall meet at such place in the said city as the said councils, each for its own body, may after the first election agree upon, and afterwards at such place as by any ordinance duly passed may be fixed for that purpose, between the hours of ten and twelve of the clock in the forenoon, on the Friday next following each and every election of select and common councilmen to be held in pursuance of this act, and shall then and there receive the returns aforesaid, and shall forthwith proceed to examine the same, and to judge and determine thereon and for that purpose. And to the end and intent that this act or the provisions herein contained may not be ineffectual, the said select or common councilmen elect, as the case may be, who shall be elected and returned as aforesaid, or a majority of them, who shall be a quorum for all business, shall be judges of their own elections, and shall have full power and authority to approve thereof or set aside the same, or afterwards to vacate the seat of any member for misbehavior, neglect of duty, or other misdemeanor; and to order new elections as the law may require, to be held at such times as shall be by such council respectively appointed, of which they shall give at least six days' previous notice in one or more of the public newspapers printed in the said city, which election shall be held by the persons herein authorized to conduct and hold the annual elections of said city, who are hereby enjoined to do and perform the duties herein required of them at such special or occasional election, and to make return of such election in manner as aforesaid, and so in like manner as often as occasion may require upon the death or resignation of a member or members of either of the said councils.

SEC. 5. That each and every select and common councilman who shall be elected, chosen and returned in manner aforesaid, and whose election shall be as aforesaid approved of, shall, before he enters on the execution of his office, take a solemn oath or affirmation before the mayor or recorder of the said city for the time being "well and faithfully to execute the office of select councilman or of a common councilman, as the case may be, of the said city, and shall thereupon without any further or other commission enter upon the duties thereof, and shall hold and exercise the same until the term of office therein shall expire, as directed in and by this act.

SEC. 6. That the power of the corporation of the said city shall be vested in the said select and common councils, who shall in common councils assembled have full power and authority to make, ordain, constitute and establish such and so many laws, ordinances, regulations and constitutions, *Provided*, The same shall not be repugnant to the laws and Constitution of the United States or of this commonwealth, as shall be necessary or convenient for the government and welfare of the said city; and the same to enforce, put in use and execution by constables and other proper officers, and at their pleasure to revoke, alter, and make anew, as occasion may require, *Provided*, The same shall be approved by the mayor, or passed by a vote of two-thirds of each branch of the city councils.

SEC. 7. That in order that a knowledge of the said laws, ordinances, regulations and constitutions may at all times be had and obtained, and the publications thereof at all times be known and ascertained, such and so many of them as shall not be published in one or more of the public newspapers published in the said city within fifteen days from and after

their being severally passed, ordained and established, and also recorded by the clerk of the common council, who shall keep a separate book for that purpose and shall be allowed and paid for recording thereof at the same rate as is allowed by law for recording deeds, within thirty days from and after their being so as aforesaid passed, ordained, and established, shall be null and void; and before any of the said laws, ordinances, regulations and constitutions shall be as aforesaid recorded, the publications thereof respectively with the times thereof shall be proved by the oath or solemn affirmation of some credible person, which said oath or affirmation shall be recorded therewith, and at all times be deemed and taken as sufficient evidence of the time of such publication.

Sec. 8. That the doors of the respective halls of the said select and common councils shall be kept open for the admission of all peaceable and orderly persons who shall be desirous of being present at the discussion of any by-laws, ordinances, rules, or regulations for the welfare and government of the said city.

Sec. 9. That the citizens of the said city, qualified as aforesaid, shall, at the first election provided for by this act, and annually thereafter, elect one citizen of the Commonwealth, who shall have resided within the limits of the said city at least five years, for Mayor of the said city, at the first election, and triennially thereafter, one citizen of the commonwealth, who shall have resided within the limits of the said city at least three years, for Clerk of the Mayor's Court at the first election, and triennially thereafter, one citizen of the commonwealth, who shall have resided within the limits of the said city at least three years and have been a practising attorney at least one year before his election, for District Attorney, to prosecute the pleas of the commonwealth in the said Mayor's Court. At the first election and annually thereafter, two citizens of the commonwealth, who shal have been resident within the limits of the said city at least two years before the time of their election, for constables of the said city, *Provided*, That one of the said constables shall be an inhabitant of the first or second ward, and the other an inhabitant of the third and fourth ward. At the first election and annually thereafter, one citizen of the commonwealth, who shall have been resident within the limits of the said city at least one year before the time of his election, for Treasurer of the said city. At the first election and annually thereafter, one citizen of the commonwealth, who shall have been resident within the limits of the said city at least one year before the time of his election, for Assessor of Taxes for the said city. At the first election and annually thereafter, two citizens of the commonwealth, who shall have been resident within the limits of the said city at least one year before the time of their election, for Overseers of the Poor of the said city, one of whom shall be an inhabitant of the first or second ward and the other of the third or fourth ward. At the first election and once in five years thereafter, the citizens of each ward shall elect one citizen of the commonwealth, who shall have been resident within the limits of the said city at least one year before the time of his election, for Alderman of the respective wards, *Provided*, That the three Justices now in commission and acting as Justices of the Peace within the limits of the said city shall continue to exercise their said offices, to be denominated Aldermen of the first, second and third wards, and that no election for Aldermen of the said first, second and third wards shall take place till the commissions of said three justices shall expire. At the first election the quali-

fied electors of the said city shall elect three persons qualified to be electors, for auditors of the accounts of the officers of the said city, and the expenses of the corporation; and the auditor elect who shall receive the greatest number of votes shall hold his office for three years, and the one who shall receive the next highest number shall hold his office for two years, and the one who shall receive the smallest number of votes for one year. And at all future elections there shall be one person, qualified as aforesaid, elected auditor, who shall hold his office for the term of three years.

Sec. 10. That the several officers provided for by the preceding section, who by the laws of this commonwealth are required to find sureties for the faithful performance of their respective trusts, shall, before entering thereon, give security in the same amount and in like manner that similar officers are now required to, and that the same security shall be approved by the Mayor or Recorder and filed with the Clerk of the Mayor's Court.

Sec. 11. That it shall be the duty of the Mayor to preside in the Mayor's Court in the absence of the Recorder, to promulgate the by-laws, rules and ordinances of the corporation, and specially to attend to the due execution and fulfilment of the same; and he shall be entitled to receive, hold and enjoy all the emoluments which by the laws and ordinances of the corporation may hereafter be annexed and attached to the office of Mayor; and the Mayor elect shall take a solemn oath or affirmation before the Recorder of the said city for the time being well and faithfully to execute the office of Mayor of said city, and shall thereupon enter upon and perform the duties of the said office without any further or other commission, and shall continue in office until a successor shall be duly elected and qualified; and in case of the death, resignation, or removal of the Mayor, or other vacancy in the said office, such vacancy shall be filled by a new election for the remainder of his term of office by the said councils within ten days thereafter, and at least five days' notice shall be given in one or more of the public newspapers of the city of the time of holding the same.

Sec. 12. That each and every Mayor, Recorder, and Alderman of the said city, who shall misdemean himself in office, shall be liable to be removed from office, in the same manner that Justices of the Peace are by the constitution and laws of this commonwealth removeable for misconduct in office.

Sec. 13. That the said mayor, recorder and aldermen, or justices, or any three of them, whereof the mayor or recorder for the time being shall be one, composing and holding a mayor's court, shall have full power and authority, and they are hereby vested with full power and authority to enquire of, hear, try and determine, agreeably to the laws and constitution of this commonwealth, all forgeries, perjuries, larcenies, assaults and batteries, riots, routs and unlawful assemblies, and all other offences which have been committed or shall be committed within the said city, which would be cognizable in any county Court of Qurter Sessions of the Peace, of or for any county in this commonwealth, had the same offences or any of them been committed within any such county, and to punish all persons who shall be convicted of the same offences or any of them, agreeably to the laws of this commonwealth; and also, to enquire of, hear, try and determine all offences which shall be committed within the said city against any of the laws, ordinances, regulations or constitutions that shall be made, ordained and established in pursuance of this act, and to punish the offender and offenders, as by the said laws, ordinances, regulations or constitu-

tions shall be prescribed or directed ; also to impose fines on jurymen and others according to law, and levy the same, and to award process, take recognizances for keeping of the peace, for being of good behaviour and for appearance or otherwise, or to commit to prison, as occasion shall lawfully require, without being accountable to the commonwealth for any fines or amercements to be imposed for the said offences or any of them, except such as are or shall be by law made payable into the State Treasury for offences against this commonwealth, and shall have full power and authority to issue process on all recognizances forfeited in said court, and to prosecute the same to final judgment and recovery, as effectually as the Courts of Common Pleas may or can do, and generally to do all such matters and things within the said city as any Court of Quarter Sessions of the Peace of and for any county within this commonwealth may or can do within any such county, and to the ends and intents and for the purposes aforesaid, and for such other intents and purposes as are in and by this act declared or mentioned, the said mayor, recorder and aldermen, or any three of them, whereof the mayor or recorder for the time being shall be one, shall have full power and authority, and they are hereby vested with full power and authority to hold and keep a Court of Record within the said city four times in each year, to continue one week each, to wit : the second week in May, the second week in September, the second week in December, and the second week in February, and adjourned courts as often as the business of the said court may require, by the name, style and title of the "Mayor's Court for the City of Carbondale," for the enqury, hearing, trying and determining of the offences and matters aforesaid, and for the punishing of those who shall be found guilty thereof, and for the causing all encroachments in the streets and side walks of said city, and all nuisances to be removed, and for the punishing of offenders as the laws and usage in such cases require, and for the doing and performing all such other matters and things as are in and by this act made cognizable by them, or any of them, and all costs accruing in criminal cases in said Court, and for which in the Court of Quarter Sessions the county would be liable, shall be paid out of the City Treasury : *Provided*, that the Recorder shall preside at all jury trials in said Court.

SEC. 14. That the jurisdiction of the Mayor's Court of said city shall extend to and embrace all appeals, in civil cases, from the judgments of Justices of Peace and Aldermen of the City of Carbondale, and that they be removed, heard, tried and determined in the same manner and under the like provisions and restrictions as is provided by the laws of this commonwealth for cases of appeals to the court of common pleas, for such justices and aldermen, provided that no alderman shall be permitted to sit on the trial of any case where the appeal is taken from his decision, and provided also, that it shall and may be lawful for any appellant from the judgment of any Justice of the Peace of the townships of Carbondale, Fell, Greenfield and Scott in said county of Luzerne, to have his appeal to the said Mayor's Court for the City of Carbondale, and all prosecutions for crimes and misdemeanors cognizable in any court of Quarter Sessions, brought or instituted before any justice or justices of the peace of the aforesaid townships, may be heard, tried and determined before the said Mayor's Court, and the justice before whom the said prosecutions are instituted, may commit the defendant or defendants to the lock-up house for the said city, or take his, her, or their recognizance with surety, in the

usual form, returnable to the said Mayor's Court, for the then next ensuing term.

Sec. 15. That appeals taken from the judgments of Justices of the Peace or Aldermen, as provided for by any of the preceding sections of this act, and the several actions made cognizable in the Mayor's Court by the preceding sections, shall be heard, tried, and determined by the same jurors, who shall according to the provisions of this act, be empannelled and returned to try the several cases as issued in the Mayor's Court, of the said city, and in case the pannel should become exhausted by the challenges allowed by the practice of the courts of this commonwealth in like cases, then, and in such case, talesmen should be called by the Clerk of the said Court, to supply the deficiency or deficiencies.

Sec. 16. That all appeals from the judgments of Justices of the Peace, and all actions and prosecutions, both criminal and civil, made cognizable by the said Mayor's Court by the provisions of this act, and which shall be pending and undetermined in the Courts of Common Pleas and Quarter Sessions of Luzerne county at the passage of this act, may, at the election of both plaintiff or prosecutor and defendant or defendants, be transferred to the Mayor's Court of said city, and shall be proceeded on in like manner as if the appeal had been originally taken to, or the action or prosecution had been originally brought in said court, except that the fees on the same, due to officers of the county of Luzerne, when recovered by the clerk of the mayor's court or by the sheriff, shall be paid to them, and it shall be the duty of the prothonotary or clerk of the courts of Luzerne, on application of both the plaintiff or prosecutor and defendant or defendants, to give a certified copy of the docket entries and the proceedings which may have taken place in any suit or proseeution so intended to be transferred as aforesaid, which shall be delivered to the clerk of the mayor's court and filed and entered in a docket or dockets furnished by him for that purpose, the expense of said certificate to be paid by the party applying for the same, *Provided*, that the clerk of the mayor's court shall receive the like fees and emoluments as the prothonotary or clerk of the Court of Quarter Sessions are entitled to receive for similar services.

Sec. 17. That the parties to any civil suit pending in the said mayor's court, may arbitrate the same in like manner and with like effect, and subject to the same rules, regulations and restrictions, and with the same rights of appeal as if the same were pending in the Court of Common Pleas.

Sec. 18. That if any person or persons shall find him, her or themselves, aggrieved by any judgment of the said Court of Record, it shall and may be lawful for the party or parties so aggrieved, to sue out and obtain his, her, or their writs of error, which shall be granted in like manner and under the same regulations and restrictions as other writs of error in similar cases are or may be granted, and made returnable in the Northern District of the Supreme Court of this Commonwealth, and shall be proceeded in under the same rules and regulations. *Provided always*, that when any such judgment shall be reversed or affirmed, it shall and may be lawful for the said mayor, recorder and aldermen and their successors, to proceed to execution or otherwise, as shall according to law appertain.

Sec. 19. And to the end and intent that such persons as may be indicted and outlawed, for felonies and other offences supposed by such indict-

ments or outlawries to have been committed within the said city, shall dwell, remove, lurk, or be received without the bounds and limits of the said city and may be brought to justice, the Mayor or Recorder of the said city for the time being, shall, and may as often as occasion may require, issue his writ or writs of capias to the sheriff of Luzerne county or his deputy, who are hereby authorized to execute the same and make returns thereof to the said Mayor or Recorder.

SEC. 20. That it shall be lawful for any constable or constables of the said city to whom any warrant, under the hand and seal of the said mayor, recorder and aldermen, or justices, or any of them, shall be delivered, commanding him or them to take any person or persons who shall have been charged with having committed any offence within the said city, and to bring him, her or them before the Mayor, Recorder and Aleerman, or Justice, or any of them, and he and they are hereby enjoined and required to execute the same by making of the arrest, if the same can be done at any place within the county of Luzerne, and also by bringing such offender or offenders before the said mayor, recorder and aldermen, or justices, or any of them.

SEC. 21. That it shall and may be lawful for the said mayor, recorder and aldermen, before whom any complaint, indictment, plea, matter or thing of a criminal or civil nature, within his or their jurisdiction shall be made or depending, to issue their subpœna in common form, to any person or persons within this Commonwealth, commanding him or them to appear and give evidence therein, and every person to whom the same shall be directed and on whom service thereof shall be duly made, shall attend accordingly and give evidence, under such pains and penalties as are by law incurred by any person or persons refusing to attend and give evidence when duly subpœned for that purpose.

SEC. 22. That the Sheriff of Luzerne county for the time being is hereby enjoined and required, under the penalty of one thousand dollars for each and every neglect or refusal, to be sued for and recovered in the Court of Common Pleas of Luzerne county as other debts of like amount are recoverable by the city of Carbondale for the use of said city to appoint, on the suggestion of the Mayor of the said city, one deputy, who shall have been a resident of the said city at least one year immediately preceding his appointment, who shall take the oath prescribed for sheriffs of the several counties of this Commonwealth, and who shall give bail in the sum of five thousand dollars to the Commonwealth, conditioned as sheriff's bonds are now by act of Assembly conditioned, and whose duty it shall be to serve and execute all process issuing out of the said Mayor's Court required to be served and executed by a sheriff, and to carry into effect the sentences and judgments of the said court in all such cases as the sheriff is bound to do under any order, process, sentence or judgment of the County Courts of Quarter Sessions, Oyer and Terminer and Common Pleas, and to take and receive into his custody, the body or bodies of any and all such persons who may be committed to the lock-up house of the said city until lawfully discharged therefrom, and to receive and keep in safe custody in the lock-up house of the said city until lawfully discharged therefrom, any person or persons who may be committed by virtue of lawful process from the Mayor, Recorder or Aldermen of the said city, in the same manner and under the same penalties as if he, she or they had been committed by the Court of Quarter Sessions, or any judge thereof, and all neglect of

duty or wilful misbehavior in the said deputy sheriff or the keeper of said lock-up house, towards such prisoners or any of them, shall be, and the same is hereby made cognizable and punishable in the Mayor's Court of the said city, in the same manner and under the same penalties as the same offences would be punishable in the Court of Quarter Sessions within its jurisdiction.

SEC. 23. That the deputy sheriff, at the expense of the said city, shall provide a wheel for the names of jurors for the trial of causes in the said Mayor's Court, and as often as may be necessary, the said deputy sheriff, assisted by the four Select Councilmen and Mayor of the said city, shall select and deposit in said wheel, and draw therefrom as occasion may require, Grand and Traverse Jurors for the trial of the causes aforesaid, in the same manner and with the like restrictions and under the like sanctions and penalties as is provided by the laws of this Commonwealth in such cases. *Provided*, the said jurors shall be selected from the citizens residing within the bounds of the said city, the townships of Carbondale, Fell, Greenfield and Scott, in proportion to the taxables of each.

SEC. 24. That the Select Councilmen shall also discharge the duties of Commissioners of the said City, who shall perform the duties pertaining to the office of county commissioners of the several counties of this Commonwealth, and that within five days after their election as Select Councilmen they shall appoint one of their number to be commissioners' clerk, who shall from the time of his appointment and while he holds the office of clerk of the said Commissioners, have no voice or vote in the deliberations of said Board of Commissioners, and that while actually engaged as such commissioners and clerk, they shall receive out of the funds of the said city, one dollar per day each for their services.

SEC. 25. That jurors drawn and in attendance for the trial of causes in said Mayor's Courts, shall receive only fifty cents per day, and witnesses subpœnaed and in attendance on the trial of causes or before the Grand Jury in said court if they reside within the limits of the said city shall be entitled to only thirty-seven and a-half cents per day, and in neither case shall they be entitled to travelling expenses.

SEC. 26. That it shall be the duty of the Mayor and Select and Common Councilmen of the said city to provide at the expense of the said city a suitable building or room for the holding the mayor's court and rooms for the meetings of the Councils, until a suitable building can be erected and finished for the uses and purposes aforesaid, and as soon as practicable after the first election under this act, it shall be the duty of the said Mayor and Select and Common Councils to purchase an eligible site for a City Hall and Lock-up House for the said city, and to cause to be erected thereon a suitable building or buildings for the holding of the Mayor's Court, for the meetings of the Select and Common Councils and for Jury Rooms, with a fire-proof vault, for the preservation of the records of the said court and other records of the said city, and also for a city prison or lock-up house, to be done at the expense of the said city, *Provided*, that the whole cost and expense of the said buildings and site shall not exceed the sum of five thousand dollars; and for the purposes aforesaid, the Mayor and Select and Common Councils of the said city are hereby authorized to borrow money on the credit of the said city to an amount and sum not exceeding five thousand dollars, and to pledge the stock of the

said city, and to mortgage the building or buildings aforesaid, to secure the payment of the interest and principal of the said loan.

SEC. 27. That until the lock-up house aforesaid shall be completed, all prisoners who would by the provisions of this act be liable to be committed to prison and held in custody, shall be committed to the jail of Luzerne county, and it is hereby made the duty of the sheriff or jailor of Luzerne county to receive the same and to hold them in safe custody until discharged according to law, or until their personal presence shall be required in the said mayor's court for trial or otherwise, and in all such cases the said sheriff or jailor of Luzerne county shall surrender such prisoner or prisoners upon the order of the recorder of the said city, certified under the hand and seal of the clerk of said mayor's court.

SEC. 28. That the aldermen of the said city for the time being shall have the same jurisdiction in all civil cases as justices of the peace of the county have, and shall proceed therein in like manner for the like fees and costs, and with the like powers and authorities, and under and subject to the like rules, regulations and restrictions, and to the like means, process and execution, as in cases of debt or other demand, or in case of damage, trespass, trover and rent before any Justice of the Peace within this commonwealth, with the like appeal by the party aggrieved to the Mayor's Court of the city of Carbondale.

SEC. 29. That the President Judge of the Eleventh Judicial District, of this commonwealth, or that District of which the county of Luzerne shall constitute a part, shall be Recorder of said city, and shall have power to issue writs of habeas corpus in all cases of insolvent debtors, and in criminal cases made cognizable in the Mayor's Court of said city, and the said Recorder shall annually receive out of the State Treasury the sum of two hundred dollars, to be paid quarterly, as a compensation for his services.

SEC. 30. That the Mayor, Recorder and Aldermen, or any of them, shall and may take and receive the acknowledgment and probate of all deeds and written instruments, and receive the legal fees therefor, which acknowledgments and probates shall be as valid have the like force and effects as if the same were acknowledged before a Judge of the Supreme Court, or any Judge of the Court of Common Pleas or Justice of the Peace within this commonwealth.

SEC. 31. That it shall and may be lawful for the select and common councils, in common council assembled, from time to time to permit and license such and so many inns and taverns, beer houses and auctioneers, and for other purposes for which licenses are grantable by the laws of this commonwealth, within the said city, and the Court of Quarter Sessions of Luzerne county shall no longer exercise jurisdiction in granting licenses for inns or taverns within the limits of said city.

SEC. 32. That it shall and may be lawful for the select and common councils, when duly assembled, from time to time, by any ordinance duly acted, to vest in the Mayor of the said city for the time being, the appointment of such officers within the said city as they may think expedient for the well-ordering and governing the same, and to remove the same from such offices or appointments for misbehaviour or otherwise, as may be necessary, which officers shall take an oath or affirmation before the said Mayor, Recorder or Alderman well and faithfully to perform the duties of the offices or appointments to them respectively committed, and the said councils may require securitiy to be given by such officers or any of them,

and prescribe the sum and the form in which said security shall be given ; and the said officers and sureties may be sued and recovery had against them in the ciiy court for breach of official duty, or delinquency in paying over any moneys collected by them, under criminal or civil process issued by the Mayor, Recorder, or any Alderman of the said city ; and for the recovery of fines, forfeitures and penalties, debts and other demands cognizable in the city courts, the ordinary forms of law shall be pursued in the process, judgment, and the several kinds of execution as if the same were made cognizable and recoverable in the courts of the county ; and all officers and jurors of the said city shall be competent to hear, try and determine all matters and things within their jurisdiction, and all citizens to give testimony, notwithstanding any fine or penalty be made payable for the use of the said city.

Sec. 33. That no Alderman of the said city, or any person holding an office of trust or profit under the laws of this Commonwealth, or the ordinances of the select and common councils, the emolument whereof is paid out of the treasury of the said city, shall be competent to serve as a member of the select and common councils.

Sec. 34. That the said select and common councils shall once in every year cause to be published a just and true account of all moneys which shall have accrued to them in their corporate capacity during the year preceding such publication, and also of the disposition thereof.

Sec. 35. That as often as any doubts shall arise touching this act, the same shall,in all courts of law and equity and elsewhere,be construed and taken most favorably for the said corporation, *Provided*, That this act,and the powers and authorities herein vested in the said city, shall not be impaired, affected, defected or destroyed by any neglect or omission to elect or appoint all or any of its officers at the times allotted for the same; and in case of any such defect or omission, the Mayor and Aldermen of the said city, or a majority of them, shall forthwith take all necessary measures to cure and supply such defects and omissions, giving due notice thereof in the public newspapers of the said city.

Sec. 36. That before judgment in any civil case shall be entered by the Clerk of the said Mayor's court upon the verdict of a jury, the successful party shall pay to the treasurer of said city a jury fee of four dollars, which shall be taxed and paid with the other costs in the case, and that all judgments obtained in the said Mayor's court shall be a lien upon the real estate of the person or persons against whom such judgment was entered, situate within the bounds of the said city ; but before the said judgment shall be a lien upon the real estate of the defendant, or of him, his or them, against whom such judgment shall have been obtained, situate without the limits of the city, the party wishing to obtain such lien shall procure from the clerk of the Mayor's court a certified transcript of the same, containing the names of the parties and the date and amount of the said judgment, which it shall be the duty of the Prothonotary of Luzerne county to enter of record, for the fee of twenty-five cents, and from such entry the said judgment shall be a lien upon the defendants real estate within the county of Luzerne, in like manner as if the same had been originally obtained in the Court of Common Pleas of Luzerne county ; and as often as the same should require to be revived, proceedings shall at the instance of the plaintiff be had for that purpose in the said Mayor's court, in the same manner and with like effect as if the same had not been removed by tran-

script; and whenever and as often as the plaintiff shall require execution of his said judgment, it shall be the duty of the clerk of the said Mayor's court to issue writs of execution, in like form and with like effect as now in practice in the Courts of Common Pleas of this commonwealth, including the costs of the entry of such transcript, if satisfied of such entry.

SEC. 37. That it shall be lawful for all persons holding bonds, penal or single, bills, notes in writing, or any writing obligatory, wherein is contained a confession of judgment, or which may be accompanied by authority to any other person or persons to confess judgment thereon, to file the same with the Clerk of the said Mayor's Court, whose duty it shall be, for the usual fees now allowed Prothonotaries for similar services, to enter the same of record in like manner as they are now entered in the Court of Common Pleas of Luzerne county; and from the time of such filing or entry, such judgments shall be a lien upon all the real estate of the defendant or defendants, situate within the bounds of the said city. But for the purpose of acquiring a lien upon the lands and tenements of the defendant or defendants, situated without the limits of the said city, the plaintiff shall procure from the Clerk of the Mayor's Court a similar transcript to that directed in the case of judgment entered upon the verdict of a jury, which it shall be the duty of the Prothonotary to enter, on the application of the plaintiff or his attorney, for the fee of twenty-five cents, and from and after such entry the same judgment shall be a lien upon all the defendant's real estate situate within the county of Luzerne, and the plaintiff or plaintiffs on such judgment shall be permitted to proceed, by execution or otherwise, in the said Mayor's Court for the recovery of such judgments in the same manner and with like effect as in the case of executions issuing out of the Court of Common Pleas of Luzerne county, *Provided*, That in no case shall the real estate of the defendant, situate without the limits of the said city be levied upon or sold by virtue of any writ issuing out of the said Mayor's Court. *And provided also*, That no judgment as aforesaid shall be entered in the said Mayor's Court where the real debt or amount claimed to be due should exceed one thousand dollars.

SEC. 38. That all mechanic's liens, and liens for materials furnished in the erection of buildings, provided for and allowed by the existing laws of this commonwealth, when the building or buildings against which the said lien is or shall be claimed is situated within the bounds of the said city, shall be entered by the Clerk of the Mayor's Court, for the fee now provided by law, in a book to be provided by him for that purpose, and all and every such lien or liens shall be proceeded on in the said Mayor's Court to judgment and final execution, in the same manner, to all intents and purposes, and with like effect as if the same had been entered in the Prothonotary's office and proceeded on in the Court of Common Pleas of Luzerne county, and that the fees of all officers connected with the administration of justice in the said Mayor's court and under the corporate authority of the said city not herein fixed, shall be the same as provided by the fee bills passed twenty-eighth March, one thousand eight hundred and fourteen, and twenty-second February, one thousand eight hundred and twenty-one, for similar services, so far as the same may be applicable and apply to officers without the city and county of Philadelphia.

SEC. 39. That in case of the death, resignation, or removal of the Recorder of said city, or in case of any other vacancies occurring in the said office, such vacancy shall be filled by a new election, to be appointed by the se-

lect and common councils, within twenty days from the happening of such vacancy, of which election six days' notice shall be given in two newspapers published in the said city, and by handbills posted at the places fixed for holding the city elections at least five days before the time of holding of such election, *provided*, that if there shall not be two newspapers published in said city, that notice published in one such newspaper shall be sufficient.

SEC. 40. That hereafter all county taxes exceeding the sum of three hundred dollars in each year assessed and collected within the limits of the City of Carbondale, together with the taxes now uncollected within the same for the year one thousand eight hundred and fifty, shall be collected for the use of the said city and paid into the treasury thereof.

JOHN CESSNA,
Speaker of the House of Representatives.
BENJ. MATTHIAS,
Speaker of the Senate.

Approved the Fifteenth day of March, One Thousand Eight Hundred and Fifty-one.

WM. F. JOHNSTON.

SECRETARY'S OFFICE,

PENNSALVANIA SS: I do hereby certify that the above, foregoing and annexed, is a true and correct copy of the original Act of the General Assembly, entitled "An Act to Incorporate the City of Carbondale," as the same remains on file in this office. In testimony whereof, I have hereunto set my hand, and caused the Seal of the Secretary's Office at Harrisburg to be affixed, this Fifteenth day of March, A. D., One Thousand Eight Hundred and Fifty-one.

{ L. S. }

A. W. BENEDICT,
Deputy Secretary of the Commonwealth.